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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,519	09/28/2001	David A. Wyatt	42390P10978	4756

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EXAMINER

WU, XIAO MIN

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,519

Applicant(s)

WYATT, DAVID A.

Examiner

XIAO M. WU

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/1/2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Khederzadeh et al. (US Patent No. 5,926,166).

As to claims 1, 7, 16, 20-22, 28, Khederzadeh discloses an apparatus comprising: a processor (32, Fig. 1) to respond to an even-driven action (20, Fig. 1); and a driver (34, Fig. 1) coupled to the processor (28, 32) to perform a program function when an indication of the even-driven action is received from the processor, the driver (34) to control, external to a system management mode of the processor (e.g. the driver 34 is located external to system management BIOS 28 as shown in Fig. 1), a response to the event-driven action (20). For example, as shown in Figs. 1 and 2, Khederzadeh discloses that while the computer operating system is active (i.e. running), an interrupt is generated

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in response to a user pressing the predetermined keyboard “hot key”. In response to each depression of the “hot key”, video display selection sequences, or toggles, through the following: displaying on LCD panel, displaying on CRT display 26, and simultaneously display on both LCD panel and CRT display 26. That is, the user may wish to perform the video display switching without having to re-enter a graphic type operating system (OS), such as Windows or OS/2 operating systems (see col. 1, lines 17-23; col. 2, line 62 to col. 3, line 8)

As to claim 3, Khederzadeh discloses that the processor (32) responds to an event-driven action (e.g. hot key input) from an input/output device to perform a control action on a device (e.g. displays 24 and 26)

As to claim 4, Khederzadeh discloses that the display is controlled simultaneously by system firmware (14, Fig. 1) and soft ware device driver (12, Fig. 1).

As to claims 5, 30, Khederzadeh discloses a hot-key action to perform a control action on display altering its current state or setting (col. 2, line 62 to col. 3, line 8).

As to claims 8, 9, 27, Khederzadeh discloses an interruption generation logic (e.g. SMI see col. 3, lines 9-21).

As to claims 10-12, 19, 23, Khederzadeh discloses that the control can be set and reset when it is completed (see Fig. 2). It is inherent to use a flag to set or reset a control device.

As to claims 13, 18, 24-26, 29, Khederzadeh discloses that the user can select different display settings (e.g. changing resolution).

As to claims 14, 15, 28, Khederzadeh further discloses a BIOS programming control. (30, Fig. 1).

Response to Arguments

4. Applicant's arguments filed 4/18/2005 have been fully considered but they are not persuasive.

Applicant argues that independent claims 1, 7, 16, 20, 23 and 28 each cited performing a function external to a system management mode (SMM) of the processor and Khederzadeh performs his operations within the SMM, and repeatedly refers to the SMM BIOS, which is the BIOS that is accessible while running in SMM. These arguments are not persuasive because Khederzadeh clearly discloses that the SMM BIOS 28 generates an event in response to a command, such as the user pressing a predetermined computer 36 mounted tactile button, here a keyboard "hot key", such as the simultaneous pressing of the Alt key and one of the function keys. The APM driver of Kernel, GDI and APM module 32 detect the event and broadcast the event to video device drivers 34. the video device drivers 34 then adjust the resolutions 12, and resize and move an application or application 12 under execution to properly fit on the selected one or ones of the displays 24, 26 (see col. 2, lines 51-61). In other words, the video device driver is located externally from the SMM and receiving the event generated by the SMM to perform a program function such as to adjust the resolutions, resize of the displays externally from SMM. It is believed that the broadly claimed structures are still met by Khederzadeh.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571-272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

x.w.

January 7, 2006



XIAO M. WU
Primary Examiner
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